

Community Pathways Waiver – Revised Draft Proposal

Service Type: Support for Participant Direction

Service (Name): Information and Assistance in Support of Participant Direction

Alternative Service Title: **SUPPORT BROKERAGE**

HCBS Taxonomy:

Check as applicable

☐ Service is included in approved waiver. There is no change in service specifications.

☒ Service is included in approved waiver. The service specifications have been modified.

☐ Service is not included in the approved waiver.

Service Definition:

- A. Support Brokerage is information and assistance in support of self-direction. It is a service that assists participants and families to make informed decisions about what service design and delivery (self-direction versus traditional provider management) will:
1. work best for the individual;
 2. be consistent with the individual's needs;
 3. reflect their unique circumstances and provide a framework for the participant delivery system and
 4. services shall increase individual independence and reduce level of service need.
- B. Support Brokers act as human resource supports (agent of the person) to assist a participant and the participant's family to make informed decisions, as the employer, about what will work best for the participant and about what staff, services, and supports are consistent with the participant's needs and reflects the participant's unique circumstances.
- C. The support broker may assist with day-to-day management of employees for a participant, and assist a participant and the participant's family in the necessary and ongoing employer decisions associated with self-direction.
- D. Support broker services, if chosen by the participant, may include:
1. Skills training and assistance related to employer functions, including:
 - a. Information may be provided to participant about:
 - 1) self-direction including roles and responsibilities and functioning as the common law employer;
 - 2) person-centered planning and how this can be utilized to support the participant;
 - 3) the range and scope of individual choices and options;
 - 4) other subjects pertinent to the participant and/or family in managing and directing services;
 - 5) the process for changing the ~~Individual Plan (plan of care)~~ person centered plan and individual budget;
 - 6) the grievance/complaint process;
 - 7) risks and responsibilities of self-direction;
 - 8) Policy on Reportable Incidents and Investigations (PORII);
 - 9) free choice of staff/employees;

- 10) individual rights; and
- 11) the reassessment and review schedules;
- b. Assistance, if chosen by the participant, may be provided with:
 - 1) initial planning and start-up activities;
 - 2) practical skills training (e.g., hiring, managing and terminating workers, problem solving, conflict resolution);
 - 3) development of risk management agreements;
 - 4) development of an emergency back-up plan;
 - 5) recognizing and reporting critical events;
 - 6) independent advocacy, to assist in filing grievances and complaints when necessary;
 - 7) recruiting, interviewing, and hiring staff;
 - 8) staff supervision and evaluation;
 - 9) firing staff;
 - 10) participant direction including risk assessment, planning, and remediation activities;
 - 11) managing the budget and budget modifications including reviewing employee timesheets and monthly Fiscal Management Services reports to ensure that the individualized budget is being spent in accordance with the approved IP-person centered plan and Budget and conducting audits;
 - 12) managing employees, supports and services;
 - 13) facilitating meetings and trainings with employees;
 - 14) employer development activities;
 - 15) employment quality assurance activities;
 - 16) developing and reviewing data, employee timesheets, and communication logs;
 - 17) development and maintenance of effective back-up and emergency plans;
 - 18) training all of the participant's employees on the Policy on Reportable Incidents and ensuring that all critical incidents are reported to the Office of Health Care Quality and DDA;
 - 19) complying with all applicable regulations and policies, as well as standards for self-direction including staffing requirements and limitations as required by the DDA;
 - 20) other areas related to managing services, and supports; and
 - 21) assisting with developing relationships between the employer, participant and family

SERVICE REQUIREMENTS:

- A. Participants may utilize a family member with the exception of spouses, legally responsible adults (i.e. parents of children), and legal representative payee.
- B. Spouses and legally responsible adults (i.e. parents of children) may act only as unpaid support brokers.
- C. A relative or legal guardian (who is not a spouse or legally responsible person) of an individual recipient participating in Self-Directed Services may be paid to provide this service, provided however, the DDA pre-approves such payment in accordance with the applicable requirements set forth in Section C-2.
- ~~An individual may be the support broker of an participant, if the IP establishes that:~~
 - ~~choice of provider truly reflects the individual's preferences, wishes and desires;~~
 - ~~the provision of services by the family member are in the best interests of the participant;~~

- ~~the provision of services are appropriate and based on the participant's individual support needs;~~
- ~~the services will increase the participant's independence and community integration;~~
- ~~if staff is a family member then no other family member is a provider of direct services;~~
- ~~there are documented steps in the IP that will be taken to expand the participant's circle of support so that they are able to maintain and improve their health, safety, independence, and level of community integration on an ongoing basis should the support broker acting in the capacity of employee be no longer available.~~
- D. ~~Support Brokers, including family members, must provide assurances that they will implement the IP as approved by DDA or their designee in accordance with all federal and state laws and regulations governing Medicaid, including the maintenance of all employment and financial records including timesheets and service delivery documentation.~~
- E. ~~Individuals and organizations providing Support Brokerage services may provide no other service to that individual.~~
- F. ~~Individuals and organizations providing Support Brokerage services may not provide other service to participants which would be viewed by the Department as a conflict of interest.~~
- G. ~~Support Brokerage services may not duplicate, replace, or supplant Coordination of Community Service.~~
- H. ~~Scope and duration of support brokerage services may vary depending on the participant's choice and need for support, assistance, or existing natural supports.~~
- I. ~~Service hours must be necessary, documented, and evaluated by the team.~~

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

- A. ~~Participants may utilize a family member with the exception of spouses, legally responsible adults (i.e. parents of children), and legal representative payee.~~
- B.A. ~~Spouses and legally responsible adults (i.e. parents of children) may act only as unpaid support brokers.~~
- C.A. ~~An individual may be the support broker of an participant, if the IP establishes that:~~
 - ~~1) choice of provider truly reflects the individual's preferences, wishes and desires;~~
 - ~~2)1) the provision of services by the family member are in the best interests of the participant;~~
 - ~~3)1) the provision of services are appropriate and based on the participant's individual support needs;~~
 - ~~4)1) the services will increase the participant's independence and community integration;~~
 - ~~5)1) if staff is a family member then no other family member is a provider of direct services;~~
 - ~~6)1) there are documented steps in the IP that will be taken to expand the participant's circle of support so that they are able to maintain and improve their health, safety, independence, and level of community integration on an ongoing basis should the support broker acting in the capacity of employee be no longer available.~~
- D.A. ~~Support Brokers, including family members, must provide assurances that they will implement the IP as approved by DDA or their designee in accordance with all federal and state laws and regulations governing Medicaid, including the maintenance of all employment and financial records including timesheets and service delivery documentation.~~

~~E.A. Individuals and organizations providing Support Brokerage services may provide no other service to that individual.~~

~~F.A. Individuals and organizations providing Support Brokerage services may not provide other service to participants which would be viewed by the Department as a conflict of interest.~~

~~G.A. Support Brokerage services may not duplicate, replace, or supplant Coordination of Community Service.~~

~~H.A. Scope and duration of support brokerage services may vary depending on the participant's choice and need for support, assistance, or existing natural supports.~~

I.J. Start of service is limited to 10 hours per month unless pre-authorized by DDA as needed because of scope and complexity of service, dynamics, transition needs, etc.

~~J. Service hours must be necessary, documented, and evaluated by the team.~~

Service Delivery Method (check each that applies)

☒ Participant Directed as specified in Appendix E

☐ Provider Managed

Specify whether the service may be provided by (check all that applies):

☒ Legally Responsible Person

☒ Relative

☒ Legal Guardian

Provider Specifications: (Instructions list the following for each type of provider that can deliver the services):

Provider Category	Provider Type Title
Individual	Individual – for people self-directing services
Agency	Certified Support Broker Agency

Provider Specifications for Services

Provider Category: Individual

Provider Type: Individual for people self-directing services

Provider Qualifications License (specify):

Certificate (specify):

Certified by the DDA to demonstrate core competency related to self-determination, consumer directed services, service systems (generic and government-sponsored) for individuals with disabilities and effective staff management strategies. Training will be available to assist Support Brokers who have been identified by an individual to gain the skills necessary to act in this capacity.

Other Standard (specify):

- A. Comply with all training as required by the DDA including the Policy on Reportable Incidents and Investigations (PORII) and Support Broker trainings.
- B. Provider must pass a criminal background investigation.
- C. Provider must be trained by individual/family on person-specific information (including preferences, positive behavior supports, when needed, and disability-specific information).
- D. Prior to rendering service, the Support Broker must demonstrate core competency related to self-determination, consumer-directed services, service systems (generic and government-sponsored) for individuals with disabilities and effective staff management strategies.
- E. Maintain current DDA Support Broker certification.
- F. Participants may utilize a family member with the exception of spouses, legally responsible adults (i.e. parents of children), and legal representative payee.
- G. Spouses and legally responsible adults (i.e. parents of children) may act only as unpaid support brokers.
- H. An individual may be the support broker of an participant, if the person centered plan~~IP~~ establishes that:
 - 1) choice of provider truly reflects the individual's preferences, wishes and desires;
 - 2) the provision of services by the family member are in the best interests of the participant;
 - 3) the provision of services are appropriate and based on the participant's individual support needs;
 - 4) the services will increase the participant's independence and community integration;
 - 5) if staff is a family member then no other family member is a provider of direct services;
 - 6) there are documented steps in the person centered plan ~~IP~~ that will be taken to expand the participant's circle of support so that they are able to maintain and improve their health, safety, independence, and level of community integration on an ongoing basis should the support broker acting in the capacity of employee be no longer available.
- I. Support Brokers, including family members, must provide assurances that they will implement the person centered plan~~IP~~ as approved by DDA or their designee in accordance with all federal and state laws and regulations governing Medicaid, including the maintenance of all employment and financial records including timesheets and service delivery documentation.
- J. Individuals and organizations providing Support Brokerage services may provide no other service to that individual.
- K. Support Brokers also providing direct care services to another waiver participant must be preauthorized by the DDA to provide either service.
- L. De-Certification: Certification may be revoked, if the Department determines that, at any point after the initial certification to provide Support Brokerage services, the provider has:

1. Been convicted of any crime that would result in an unacceptable criminal records check;
2. Been convicted of unlawfully manufacturing, distributing, prescribing, or dispensing a controlled substance;
3. Surrendered any professional license or had one suspended, revoked, or otherwise limited;
4. Failed to safely and adequately provide the authorized services;
5. Has been found to have permitted, aided, or abetted any act that has had significant adverse impact on any individual's health, safety, or welfare;
6. Failed to comply with DDA's Policy on Reportable Incidents and Investigations;
7. Failed to cooperate with any Department audit, or investigation, or to grant access to or furnish, as requested, records or documentation upon request;
8. Billed excessive or fraudulent charges for any services or been convicted of fraud;
9. Made a false statement concerning his or her conviction of a crime or about a substantiated report of abuse or neglect;
10. Falsified information given to the Department regarding services to individuals, or individual's funds; or
11. Has ever been placed on the current Centers for Medicare and Medicaid Services list of excluded providers.

Verification of Provider Qualifications

Entity Responsible for Verification:

- Developmental Disabilities Administration and Fiscal Management Services Provider for Support Broker certification
- Coordinators of Community Service for use of a family member as a service provider

Frequency of Verification:

- Annual for Support Broker certification
- Family member - during annual team meeting

Provider Category: Agency

Provider Type:

Provider Qualifications License (specify):

Certificate (specify):

Agency - Certified by the DDA to demonstrate core competency related to self-determination, consumer-directed services, service systems (generic and government-sponsored) for individuals

with disabilities and effective staff management strategies. Training will be available to assist Support Brokers who have been identified by an individual to gain the skills necessary to act in this capacity.

Other Standard (specify):

- A. Comply with all training as required by the DDA including the Policy on Reportable Incidents and Investigations (PORII) and Support Broker trainings.
- B. Provider must pass a criminal background investigation.
- C. Provider must be trained by individual/family on person-specific information (including preferences, positive behavior supports, when needed, and disability-specific information).
- D. Prior to rendering service, the Support Broker must demonstrate core competency related to self-determination, consumer-directed services, service systems (generic and government-sponsored) for individuals with disabilities and effective staff management strategies.
- E. Maintain current DDA Support Broker certification.
- F. Participants may utilize a family member with the exception of spouses, legally responsible adults (i.e. parents of children), and legal representative payee.
- G. Spouses and legally responsible adults (i.e. parents of children) may act only as unpaid support brokers.
- H. An individual may be the support broker of an participant, if the person centered planIP establishes that:
 - 1) choice of provider truly reflects the individual's preferences, wishes and desires;
 - 2) the provision of services by the family member are in the best interests of the participant;
 - 3) the provision of services are appropriate and based on the participant's individual support needs;
 - 4) the services will increase the participant's independence and community integration;
 - 5) if staff is a family member then no other family member is a provider of direct services;
 - 6) there are documented steps in the person centered planIP that will be taken to expand the participant's circle of support so that they are able to maintain and improve their health, safety, independence, and level of community integration on an ongoing basis should the support broker acting in the capacity of employee be no longer available.
- I. Support Brokers must provide assurances that they will implement the person centered planIP as approved by DDA or their designee in accordance with all federal and state laws and regulations governing Medicaid, including the maintenance of all employment and financial records including timesheets and service delivery documentation.
- J. Individuals and organizations providing Support Brokerage services may provide no other service to that individual.
- K. De-Certification: Certification may be revoked, if the Department determines that, at any point after the initial certification to provide Support Brokerage services, the provider has:
 - 1. Been convicted of any crime that would result in an unacceptable criminal records check;

2. Been convicted of unlawfully manufacturing, distributing, prescribing, or dispensing a controlled substance;
3. Surrendered any professional license or had one suspended, revoked, or otherwise limited;
4. Failed to safely and adequately provide the authorized services;
5. Has been found to have permitted, aided, or abetted any act that has had significant adverse impact on any individual's health, safety, or welfare;
6. Failed to comply with DDA's Policy on Reportable Incidents and Investigations;
7. Failed to cooperate with any Department audit, or investigation, or to grant access to or furnish, as requested, records or documentation upon request;
8. Billed excessive or fraudulent charges for any services or been convicted of fraud;
9. Made a false statement concerning his or her conviction of a crime or about a substantiated report of abuse or neglect;
10. Falsified information given to the Department regarding services to individuals, or individual's funds; or
11. Has ever been placed on the current Centers for Medicare and Medicaid Services list of excluded providers.

Verification of Provider Qualifications

Entity Responsible for Verification:

- Developmental Disabilities Administration and Fiscal Management Services Provider for Support Broker certification
- Coordinators of Community Service for use of a family member as a service provider

Frequency of Verification:

- Annual for Support Broker certification
- Coordinators of Community Service during annual meeting